

# ***CITY COUNCIL***

## ***Meeting Agenda***

***REGULAR MEETING  
COUNCIL CHAMBERS***

***MONDAY, SEPTEMBER 12, 2011  
7:00P.M.***

*The Regular Meetings of City Council are filmed and can be viewed  
LIVE while the meeting is taking place or at your convenience at any time after the meeting on  
the City's website at [www.ReadingPa.gov](http://www.ReadingPa.gov), under Info and Downloads/Meetings and Agendas*

### **1. OPENING MATTERS**

#### **A. CALL TO ORDER**

**B. INVOCATION:** Pastor Lee Ritz, Destiny Christian Ministry

#### **C. PLEDGE OF ALLEGIANCE**

#### **D. ROLL CALL**

### **2. PROCLAMATIONS AND PRESENTATIONS**

- Council Commendation recognizing National Recovery Month, accepted by Easy Does It

### **3. PUBLIC COMMENT – AGENDA MATTERS:**

*Citizens have the opportunity to address the Council, by registering with the City Clerk before the start of the meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or any person becoming unruly while addressing Council may be called to order by the Presiding Officer and may be barred from speaking before Council, unless permission to continue speaking is granted by the majority vote of Council.*

*All comments by the public shall be made from the speaker's podium. Citizens attending the meeting may not cross into the area beyond the podium. Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to*

*order.*

*Those commenting on agenda business shall speak at the beginning of the meeting and shall limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative business is concluded and shall limit their remarks to 3 minutes. No comments shall be made from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyone's remarks. Citizens may not ask questions of Council members or other elected or public officials in attendance.*

#### **4. APPROVAL OF AGENDA**

**A. MINUTES:** Council meeting of August 22, 2011

**B. AGENDA:** Council meeting of September 12, 2011

#### **5. Consent Agenda Legislation**

**A. Resolution** - authorizing the Mayor to execute a FFY2011 (37th CD year - January 1, 2011 to December 31, 2011) Action Plan Amendment cancelling the 2011 Penn Street Improvements activity and re-programming \$412,000 in unprogrammed CDBG funds for the following activities:

\$20,000 - Reading Public Library Improvements

\$43,000 - Reading Public Library Southeast Branch Improvements

\$43,000 - Reading Public Library Northeast Branch Improvements

\$43,000 - Reading Public Library Northwest Branch Improvements

\$45,000 - S. 5th and Bingaman Streets Pedestrian Warning Device

\$130,000 - Schlegel Park Swimming Pool Improvements

\$88,000 - Olivet Boys and Girls Club Swimming Pool Improvements

**B. Resolution** – promoting Lt. Mark Spotts to the rank of Captain (**Police**)

**C. Resolution** – authorizing the hiring of Daniel Cestelluci as a Probationary Police Officer (**Police**)

**D. Award of Contract** – for the installation of pedestrian signals at 5<sup>th</sup> & Bingaman Sts (**Purchasing**) *To be distributed Monday*

#### **6. ADMINISTRATIVE REPORT**

#### **7. REPORT FROM OFFICE OF THE AUDITOR**

**Presentation of External Audit – Herbein & Company**

## **8. REPORT FROM DEPT. DIRECTORS, BOARDS, AUTHORITIES, & COMMISSIONS**

### **9. ORDINANCES FOR FINAL PASSAGE**

**A. Bill No. 38-2011** - amending the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, fee schedule, to reflect the new rate for Police Department standby charges **(Law)** *Introduced at the August 22 regular meeting*

**B. Bill No. 39-2011** - amending Chapter 5, Code Enforcement, Section 1403 Quality of Life Violations and Section 1410 Fines and Penalties of the Codified Ordinances of the City of Reading, adding additional Quality of Life Violations **(Bus Analyst/Law)** *Introduced at the August 22 regular meeting*

**C. Bill No. 40-2011** – amending the Codified Ordinances, Part 20 Solid Waste, Part 2 Dumpster Placement, Section 203 Conditions of Use **(Bus Analyst/Law)** *Introduced at the August 22 regular meeting*

**D. Bill No. 41-2011** - Amending the Code of Ordinances, City of Reading, Chapter 1, Part 5 Boards, Departments and Commissions, O. Diversity Board, Section 1-599.53 Membership to reduce the number of members from thirteen to nine **(Law)** *Introduced at the August 22 regular meeting*

**E. Bill No. 42-2011** - amending the International/City of Reading Building Code, Existing Building Code, Plumbing Code, Electrical Code, Mechanical Code, and Residential Code and as adopted by the City of Reading and Codified in Chapter 5, Code Enforcement by amending the placard removal fee and requiring in house accessibility plan reviews **(Law)** *Introduced at the August 22 regular meeting*

**F. Bill No. 43-2011** - amending the International/City of Reading Building Code, as adopted by the City of Reading and Codified in Chapter 5, Code Enforcement, by amending the placard removal fee and requiring in house accessibility plan reviews **(Law)** *Introduced at the August 22 regular meeting*

### **Pending Legislation**

**Bill No. 38-2011** - authorizing the Mayor to execute a lease between the City of Reading and the Olivet Boys and Girls Club for a portion of the real estate situate in Pendorf Park **(Law/Mayor)** *Introduced at the July 11 regular meeting; Tabled at the July 25 regular meeting; Public Meeting held July 27; Tabled at the August 8 regular meeting*

## **10. INTRODUCTION OF NEW ORDINANCES**

**A. Ordinance** - amending the City of Reading Codified Ordinances Chapter 1 Administration and Government, Section §1-186. Fiscal Provisions, Part 4 Bank and Investment Accounts (**Council Staff**)

**B. Ordinance** - amending Section 27-501 of the City of Reading Zoning Ordinance by amending the Map which provides for the boundaries of the Districts enumerated in Section 27-501. Section 27-501 shall be amended to provide for the rezoning of a parcel of land currently located within the City of Reading's R-1 zoning district to H-M, heavy manufacturing. The parcel of land to be rezoned from R-1 to HMm is that portion of a parcel of land located partially within Muhlenberg Township and partially within the City of Reading, which is located within the City of Reading and is bounded by Leiczs Bridge Road and State Route 12 having Berks County parcel identification number 530814427905, as further described in a deed recorded in the office in and for the Berks County Recorder of Deeds at deed book volume 1914 pg. 0112

**C. Ordinance** - authorizing the Mayor to execute the Memorandum of Understanding between the Reading Berks Association of Realtors and the City of Reading for the creation of the CORE Program within Reading (**Law/Council Staff**)

**D. Ordinance** - amending the City of Reading Codified Ordinances Chapter 15 Parking Meters Section §15-502 Parking Meter Zones, Section §15-503 Saturdays, Sundays, holidays exempted, §15-504 time of parking limited by zone; hours of operation (**Law/Council Staff**)

**E. Ordinance** - authorizing the Mayor or the Purchasing Coordinator, as his designee, to enter into an agreement with Municibid (online government auctions) to list various city property items for public sale online to the highest bidder (**Law**)

## **11. RESOLUTIONS**

**A. Resolution** - denying the Conditional Use application submitted by David DeJesus and Maritza Concepcion requesting a zoning permit for a two (2) unit conversion at 334 McKnight Street and orders that the property be de-converted to a one unit single family owner occupied property within six (6) months of the date this order (**Council Staff/Law**)

**B. Resolution** - approving the Conditional Use application submitted by Ryan Bradley and Second Chance requesting a zoning permit for a group home at 132 West Oley Street with conditions as attached herein (**Council Staff/Law**)

**C. Resolution** – appointing Melvyn Jacobson to the Redistricting Committee

**(Admin Oversight)**

**D. Resolution** – appointing Barbara D’Agostino to the Redistricting Committee  
**(Admin Oversight)**

**E. Resolution** – appointing Geraldine Westley to the Citizens Advisory Board  
**(Admin Oversight)**

**F. Resolution** – appointing Candice Mayton to the Citizens Advisory Board **(Admin Oversight)**

**G. Resolution** – appointing Pamela Ciansiosi to the Citizens Advisory Board  
**(Admin Oversight)**

**H. Resolution** – reappointing Kevin Devera to the Stadium Commission **(Admin Oversight)**

**I. Resolution** – reappointing Michael Fiucci to the Berks County Convention Center Authority **(Admin Oversight)**

**J. Resolution** – appointing Kelly Christman to the Shade Tree Commission  
**(Admin Oversight)**

## **12. PUBLIC COMMENT – GENERAL MATTERS**

## **13. COUNCIL BUSINESS / COMMENTS**

## **14. COUNCIL MEETING SCHEDULE**

### **Monday, September 12**

*Committee of the Whole – Council Office – 5 pm*

*Regular Meeting – Council Chambers – 7 pm*

### **Monday, September 19**

*Public Works Committee – Council Office – 5 pm*

*Finance Committee – Council Office – 5 pm*

*Work Session – Penn Room – 7 pm*

### **Tuesday, September 20**

*Public Hearing – Zoning Map Change Request – Council Chambers - 5 pm*

### **Monday, September 26**

*Committee of the Whole – Council Office – 5 pm*  
*Regular Meeting – Council Chambers – 7 pm*

## **15. BAC AND COMMUNITY GROUP MEETING SCHEDULE**

### **Monday, September 12**

Fire Civil Service Board – Penn Room – 4 pm

6<sup>th</sup> & Amity Neighborhood & Playground Assn – 6<sup>th</sup> & Amity Fieldhouse – 6:30 pm

### **Tuesday, September 13**

Airport Authority – Airport Authority Office – 8:15 am

Water Authority Workshop – Penn Room – 4 pm

District 11 Crime Watch – Orthodox Presbyterian Church – 7 pm

### **Wednesday, September 14**

Zoning Hearing Board – Penn Room – 5:30 pm

Center City Community Organization – Holy Cross Church – 6 pm

### **Thursday, September 15**

Dare 2 Care – Bethel AME Church – 5:30 pm

Blighted Property Review Committee – Council Chambers – 6 pm

Southeast People's Voice – St. John's UCC – 6 pm

Mulberry & Green Citizen's Committee – St. Luke's Lutheran Church – 6:30 pm

### **Friday, September 16**

Fire Pension Board – Penn Room – 10 am

### **Monday, September 19**

Library Board Meeting – 113 S 4<sup>th</sup> St – 4 pm

### **Tuesday, September 20**

Park and Recreation Advisory Committee – Pendora – 5 pm

Charter Board – Penn Room – 7 pm

HARB – Planning Conference Room – 7 pm

### **Wednesday, September 21**

Officers and Employees Pension Board – Penn Room – 1:30 pm

Diversity Board – Penn Room – 4:30 pm

Redevelopment Authority – Redevelopment Authority Office – 5:30 pm

### **Monday, September 26**

DID Authority – DID Office – 645 Penn St 5<sup>th</sup> Floor – noon

BARTA – BARTA Office – 3 pm

District 7 Crime Watch – Holy Spirit Church – 7 pm



**City of Reading City Council  
Regular Business Meeting  
Monday, August 22, 2011**

Jeffrey S. Waltman, Vice President of Council, called the meeting to order.

The invocation was given by Reverend Mike McCabe from Kenhorst Seventh Day Adventist Church.

All present pledged to the flag.

**ATTENDANCE**

Councilor Acosta, District 1  
Councilor Goodman-Hinnershitz, District 2  
Councilor Sterner, District 3  
Councilor Marmarou, District 4  
Councilor Reed, District 5  
Councilor Waltman, District 6  
City Auditor D. Cituk  
City Solicitor C. Younger  
City Clerk L. Kelleher  
Managing Director C. Geffken

**PROCLAMATIONS AND PRESENTATIONS**

There were no proclamations and presentations issued at this meeting.

**PUBLIC COMMENT**

Vice President of Council Waltman announced that one (1) citizens was registered to address Council on agenda topics and four (4) were registered to address non-agenda topics. He inquired if any member of Council objected to suspending the public speaking rule requiring non-agenda comment at the end of the meeting. As no one objected, the rule was suspended. Vice President of Council Waltman reminded the citizens about the remaining public speaking rules.

**Robert Jefferson, of Court Street**, spoke regarding the City-wide Diversity Board's mission is to encourage the practice of diverse employment for government position. He described the history of the Board and noted the proposed amendment to reduce City-wide Diversity Board membership to nine (9) members. He noted the need for a Council representative to attend City-wide Diversity Board meetings.

**Carlos Urgiles, of Jersey City, New Jersey**, was not present.

**Mike Shoumlisky, of Sinking Spring**, requested additional time to speak. He stated that fellow firefighters Andrew Kutz, Larry Moyer, Brian Imboby were registered to speak and were deferring their time to him. He requested 12 additional minutes of speaking time. Vice President of Council Waltman stated that the City Clerk will set the timer for twelve (12) minutes; afterwards the body of Council will decide if comment should continue from there.

Mr. Shoumlisky stated that in 1994 firefighter manpower was increased from 19 to 22 employees. He stated that annually, since then, the Fire Department has been requesting additional manpower but the requests were refused. He also described the inadequate manpower and equipment for the EMS service. He stated that regular requests for increased have also been denied. He stated that as the City's population increases, firefighter and EMS personnel are needed for safety purposes. He stated that approximately 197 calls for service are diverted to County ambulance services annually. He also described the poor conditions at various City firehouses and questioned why the City would spend \$1M on Bandshell improvements rather than doing firehouse repairs. He also noted that while 2011 budget discussions were occurring, the Mayor was either on vacation or visiting other Pennsylvania cities about Act 47 issues.

Mr. Shoumlisky noted the firefighter's willingness to take the pay freeze and some benefit cuts in contract negotiation; however they requested no staff cuts. He reported that the Department was reduced from 22 to 18 firefighter's leaving two engines out of service, which reduces the Fire Departments response time. He noted how the reduction of firefighter staff has created additional on the job injuries. He expressed the belief that Fire and Police are critical core services. He noted the physical and emotional stress caused by staff reductions to Fire and EMS services. He expressed the belief that the manpower cuts have created public safety hazards. He also expressed the belief that the annual September 11<sup>th</sup> ceremony in City Park has become nothing but rhetorical and political. He suggested that those attending the September 11<sup>th</sup> services appreciate the Reading Fire Department's services.

## **APPROVAL OF THE AGENDA & MINUTES**

Vice President of Council Waltman called Council's attention to the minutes from August 8<sup>th</sup> Regular meeting of Council and the agenda for this meeting, including the legislation listed under the Consent Agenda heading. He noted the need for the following amendments and adjustments to the agenda as follows:

- Withdraw both Resolutions for appointments to the Recreation Commission
- Withdraw one (1) Resolution appointing Sarah Jacobson to the Redistricting Committee
- Adding an Award of Contract for Barbey's Playground equipment
- Adding a Resolution appointing Sarah Jacobson to the Citizen's Advisory Board
- Adding a Resolution to the Consent Agenda promoting Officer Jeffrey Stone to Sergeant

**Councilor Marmarou moved, seconded by Councilor Reed, to approve the minutes from the August 8<sup>th</sup> Regular Meeting of Council and the agenda, as amended, including the legislation listed under the Consent Agenda heading. The motion was approved unanimously.**

### **Consent Agenda Legislation**

**A. Resolution 148-2011** - Authorizing the Bank Accounts for the City of Reading for the 2011 Calendar Year as attached in Exhibit A **(Admin Services)**

**B. Resolution 149-2011** - authorizing the Mayor to sign and submit an application for a PA DCNR Community Conservation Partnerships Circuit Rider Program Grant for the Circuit Rider Reading Recreation Commission Executive Director and Technical Assistance Project **(Admin Services)**

**C. Resolution 150-2011** - intending to follow PennDOT regulations (see attached Exhibit A) re the selection of consultants for project construction inspections **(Law/Public Works)**

**D. Resolution 151-2011** – promoting Patrol Officer Jeffrey Stone to sergeant

**E. Award of Contract** – Land Tech Enterprises, Warrington VA, at a total submitted bid price of \$284,862 for various improvements to Barbey Playground

### **ADMINISTRATIVE REPORT**

Managing Director read the report distributed to Council at the meeting covering the following:

- Update on Graffiti Abatement
- Increase in Trades building permits which has increased the office's annual revenue
- Ricktown clean-up by Reading Beautification Inc. this Saturday

- Mural project planned for Friday, August 27<sup>th</sup> and Saturday, August 28<sup>th</sup> from 10am- 2pm in the 800 block of Penn St.

Councilor Reed noted the need for clean-ups in additional areas city-wide. The Managing Director asked Council to send clean-up areas to the Managing Director's office so coordination with Reading Beautification can occur.

Ms. Reed also inquired if Reading Beautification will be reimbursed for the clean-up they plan to perform at Reading Redevelopment properties. Managing Director Geffken stated that RBI would be reimbursed through a line item in the CDBG budget. He stated that currently this line item covers clean-up to various City properties.

## **AUDITOR'S REPORT**

City Auditor Cituk read the report distributed to Council at the meeting covering the following:

- 2011 Admissions Tax Collection
- 2011 Transfer Tax Collection
- Presentation of the draft external audit at the August 25<sup>th</sup> Finance meeting and the presentation of the final external audit at the September 12<sup>th</sup> Regular Meeting of Council

Councilor Acosta inquired about the disposition of the 48 non-taxable properties that have transferred since the beginning of the year. City Auditor Cituk stated that these properties are not all non-profit properties, as some are Sheriff Sale properties, some represent sales between relatives, and some represent properties moving into trust accounts. He also expressed the belief that transfer tax projection stated in the 2011 budget will under perform. Managing Director Geffken confirm the Auditor's belief.

## **ORDINANCES FOR FINAL PASSAGE**

**Bill No. 41-2011** - amending the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, fee schedule, Fire Department (aka Department of Fire and Rescue Services) standby charges (**Law**) *Introduced at the August 8 regular meeting*

**Councilor Acosta moved, seconded by Councilor Reed, to enact Bill No. 41-2011.**

**Bill No. 41-2011 was tabled by the following vote:**

**Yeas:** Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, – 6  
**Nays:** None - 0

## INTRODUCTION OF NEW ORDINANCES

Vice President of Council Waltman read the following ordinances into the record:

**A. Ordinance** – amending the fee schedule of the City of Reading (**Bus Analyst**) *To be distributed Monday*

**B. Ordinance** - amending the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, fee schedule, to reflect the new rate for Police Department standby charges (**Law**)

**C. Ordinance** - amending Chapter 5, Code Enforcement, Section 1403 Quality of Life Violations and Section 1410 Fines and Penalties of the Codified Ordinances of the City of Reading, adding additional Quality of Life Violations (**Bus Analyst/Law**)

**D. Ordinance** – amending the Codified Ordinances, Part 20 Solid Waste, Part 2 Dumpster Placement, Section 203 Conditions of Use (**Bus Analyst/Law**)

**E. Ordinance** - Amending the Code of Ordinances, City of Reading, Chapter 1, Part 5 Boards, Departments and Commissions, O. Diversity Board, Section 1-599.53 Membership to reduce the number of members from thirteen to nine (**Law**) *To be distributed Monday*

**F. Ordinance** - amending the International/City of Reading Building Code, Existing Building Code, Plumbing Code, Electrical Code, Mechanical Code, and Residential Code and as adopted by the City of Reading and Codified in Chapter 5, Code Enforcement by amending the placard removal fee and requiring in house accessibility plan reviews (**Law**)

**G. Ordinance** - amending the International/City of Reading Building Code, as adopted by the City of Reading and Codified in Chapter 5, Code Enforcement, by amending the placard removal fee and requiring in house accessibility plan reviews (**Law**)

## RESOLUTIONS

**Resolution 84-2011** - that the City of Reading consents to the sale of the Elm View Apartments Limited Partnership project property and the Mayor of the City of Reading

is authorized to execute any and all documents required for the assignment of the above referenced loan and to modify certain Note and/or Loan Agreement terms, including but not limited to deferral of the July 2011 balloon payment, possible forgiveness of said balloon payment, and review of the July 2026 balloon payment for status determination **(Law/Community Development)** *Tabled at the May 23 June 13, June 27, July 11 and July 25 regular meetings*

Managing Director Geffken stated that the Administration wishes to withdraw this resolution from Council consideration.

**Resolution 152-2011** - reappointing Councilors Vaughn Spencer, Francis Acosta, and Stratton Marmarou to the Local Redevelopment Authority **(Council Staff)**

**Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution No. 152-2011.**

**Resolution No. 152-2011 was adopted by the following vote:**

**Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman – 6**

**Nays: None – 0**

**Resolution 153-2011** - appointing Sarah Jacobson to the Citizen's Advisory Committee **(Admin Oversight)**

**Resolution 154-2011** - appointing JoAnne Brancadora to the Redistricting Committee **(Admin Oversight)**

**Resolution 155-2011** – appointing William Seidel to the Redistricting Committee **(Admin Oversight)**

**Councilor Reed moved, seconded by Councilor Acosta, to adopt Resolution No. 153-2011, 154-2011, and 155-2011.**

Councilor Marmarou noted the skill and qualifications of those being appointed this evening.

Councilor Reed noted the experience Mr. Seidel has with election services in District 5.

Councilor Goodman-Hinnershitz noted the experience of Ms. Jacobson and Ms. Brancadora.

**Resolution No. 153-2011, 154-2011, and 155-2011 were adopted by the following vote:**

**Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman – 6**

**Nays: None – 0**

**Resolution 156–2011** - substituting a Letter of Credit for the Series D 2008 Bonds  
(Bond Counsel)

**Councilor Acosta moved, seconded by Councilor Marmarou, to adopt Resolution No. 156-2011.**

Managing Director Geffken explained the need for the City to find a new bank relationship which will reduce the City’s costs for the Series-D 2008 bonds. He stated that the City will save approximately \$200K annually.

**Resolution No. 156-2011 was adopted by the following vote:**

**Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman – 6**

**Nays: None – 0**

## **COUNCIL COMMENT**

Councilor Marmarou noted the erroneous newspaper article that described the recent Reading Redevelopment Authority meeting concerning the Navy Marine Center. He stated that the Reading Redevelopment Authority did not give the Navy Marine Center to Mary’s Shelter. He stated that decisions about the disposition of the Navy Marine Center are made by the Local Redevelopment Authority.

Councilor Goodman-Hinnershitz addressed the concerns expressed by Mr. Shoumlisky. She noted the need for Council and the Administration to consider multiple issues and attempt to find a balance to fund City services. She stated that she respects and admires the services the Fire employees provide to the City and its residents. She noted the difficulty of considering certain needs versus finding proper financial resources. She stated that she supports and respects the work of the City’s Fire Department.

Councilor Acosta also addressed Mr. Shoumlisky’s concerns. He stated that he understands the issues expressed by Mr. Shoumlisky and the frustration of Fire Department employees. He noted the difficulty of the 2011 budget. He stated that

errors made in multiple prior years combined with the current economy have left the City in precarious circumstances. He noted the need to obtain a better understanding of Fire Department issues; however he noted the need for the City to follow the Act 47 Recovery Plan requirements. He also noted the various fire hazards that exist in Reading.

Councilor Acosta announced the upcoming District 1 town meeting at Saint Constantine's and Helen's Greek Orthodox Church.

Vice President of Council Waltman noted the need for the Diversity Board to provide more timely notice of the City-wide Diversity Board meetings. He stated that more timely notice will allow Council members to arrange and attend the meetings.

Vice President of Council Waltman noted his respect for the Fire Department and their employees. He expressed the belief that the City's housing stock is so run down that it also creates hazards for firefighters. He also noted that the unwieldy number of rental properties also present problems as firefighters do not know how many residents reside at the property. He stated that he greatly admires the services provided by the firefighters.

Vice President of Council Waltman announced the upcoming meeting schedule.

Councilor Marmarou announced the College Heights Community Council meeting scheduled for August 23<sup>rd</sup> at 7pm at Nativity Lutheran Church regarding the Caum Home lawsuit.

**Councilor Acosta moved, seconded by Councilor Reed, to adjourn the regular meeting of Council.**

*Respectfully submitted by Linda A. Kelleher CMC, City Clerk*





# AGENDA MEMO

## COMMUNITY DEVELOPMENT DEPARTMENT

**TO:** City Council  
**FROM:** Dan Robinson, C.D. Director  
**MEETING DATE:** September 12, 2011  
**AGENDA MEMO DATE:** July 27, 2011  
**REQUESTED ACTION:** To approve an amendment to the FFY2011  
(37th year - January 1, 2011 to December 31, 2011)  
CDBG Action Plan

CD is asking City Council to pass the resolution at the **September 12, 2011** City Council meeting.

**BACKGROUND:** The administration wishes to execute a 2011 CDBG Action Plan amendment cancelling the 2011 Penn Street Improvements activity and reprogramming \$412,000 in CDBG unprogrammed funds for the following activities:

\$20,000 - Reading Public Library Improvements - The improvements include (but are not limited to) Architect and Engineering Services, interior improvements, plaster work, painting, and carpeting.

\$43,000 - Reading Public Library Southeast Branch Improvements - The improvements include (but are not limited to) Architect and Engineering Services, window replacement, and interior improvements.

\$43,000 - Reading Public Library Northeast Branch Improvements - The improvements include (but are not limited to) Architect and Engineering Services, window replacement, and interior improvements.

\$43,000 - Reading Public Library Northwest Branch Improvements - The improvements include (but are not limited to) Architect and Engineering Services, window replacement, interior improvements.

\$45,000 - S. 5th and Bingaman Streets Pedestrian Warning Device - The improvements include (but are not limited to) installation of flashing pedestrian warning devices.

\$130,000 - Schlegel Park Swimming Pool Improvements - The improvements include (but are not limited to) renovations to the tile, gutter system, deck, pool surface, site furnishings, and ADA improvements,

\$88,000 - Olivet Boys and Girls Club Swimming Pool Improvements - The improvements include (but are not limited to) the filtration system, pool plastering, deck, pool cover, pavilion, fencing, and chlorination system.

**BUDGETARY IMPACT:** None.

**PREVIOUS ACTION:** None.

**SUBSEQUENT ACTION:** None

**RECOMMENDED BY:** Managing Director and Mayor.

**RECOMMENDED MOTION:** To approve/deny a Council Resolution authorizing the Mayor to execute a FFY2011 (37th CD year - January 1, 2011 to December 31, 2011) Action Plan Amendment cancelling the 2011 Penn Street Improvements activity and re-programing \$412,000 in unprogrammed CDBG funds for the following activities:

\$20,000 - Reading Public Library Improvements  
\$43,000 - Reading Public Library Southeast Branch Improvements  
\$43,000 - Reading Public Library Northeast Branch Improvements  
\$43,000 - Reading Public Library Northwest Branch Improvements  
\$45,000 - S. 5th and Bingaman Streets Pedestrian Warning Device  
\$130,000 - Schlegel Park Swimming Pool Improvements  
\$88,000 - Olivet Boys and Girls Club Swimming Pool Improvements

Cc: Carl Geffken  
Charles Jones  
**Matt Lubas**  
Neil Nemeth  
**Alex Palacios**  
**Dan Wright**

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE COUNCIL OF THE CITY OF READING  
AUTHORIZING THE MAYOR TO EXECUTE A FFY2011 (37TH CD YEAR  
- JANUARY1, 2011 - DECEMBER 31, 2011) ACTION PLAN  
AMENDMENT  
CANCELING THE PENN STREET IMPROVEMENTS ACTIVITY AND  
RE-PROGRAMMING \$412,000 IN UNPROGRAMMED CDBG FUNDS**

WHEREAS, under 24 CFR Part 91, the U.S. Department of Housing and Urban Development (HUD) outlines the consolidated submissions for Community Planning and Development programs which will serve as (1) a planning document for the City that builds on a participatory process at the grass roots level; (2) an application for federal funds under HUD's formula grant program; (3) a strategy to be followed in carrying out HUD programs; and (4) an Action Plan that provides a basis for assessing performance;

WHEREAS, the FFY2009 to FFY2013 five year Consolidated Plan (35th to 39th years - January 1, 2009 to December 31, 2013) specifies activities the City will undertake to address priority needs and local objectives using formula grant funds and program income the City expects to receive during a five year period;

WHEREAS, the FFY2011 (37th year - January 1, 2011 to December 31, 2011) Action Plan specifies activities the City will undertake to address priority needs and local objectives using formula grant funds and program income the City expects to receive during the program year;

**NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF READING THAT:**

**The FFY2011 (37th CD year - January 1, 2011 – December 31, 2011) Action Plan is amended by cancelling the 2011 Penn Street Improvements activity and re-programing \$412,000 in unprogrammed CDBG funds for the following activities:**

\$20,000 - Reading Public Library Improvements  
\$43,000 - Reading Public Library Southeast Branch Improvements  
\$43,000 - Reading Public Library Northeast Branch Improvements  
\$43,000 - Reading Public Library Northwest Branch Improvements  
\$45,000 - S. 5th and Bingham Streets Pedestrian Warning Device  
\$130,000 - Schlegel Park Swimming Pool Improvements  
**\$88,000 - Olivet Boys and Girls Club Swimming Pool Improvements**

**The Mayor, on behalf of the City of Reading, is authorized and directed to execute the amendment to the satisfaction of HUD.**

**PASSED COUNCIL \_\_\_\_\_, 20\_\_\_\_**

\_\_\_\_\_  
**PRESIDENT OF COUNCIL**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**



# AGENDA MEMO

## POLICE DEPARTMENT

**TO:** City Council  
**FROM:** Chief William M. Heim  
**PREPARED BY:** Chief William M. Heim  
**MEETING DATE:** September 12, 2011  
**AGENDA MEMO DATE:** September 1, 2011  
**REQUESTED ACTION:** Promotion to Captain

### **RECOMMENDATION**

The Mayor and Police Chief recommend the promotion of Lieutenant Mark J. Spotts to the rank of Captain.

### **BACKGROUND**

There is a vacancy in the position of Captain due to a retirement. Lt. Spotts is currently eligible for promotion, having taken and passed the civil service examination for the position. The Mayor and Police Chief recommend Lieutenant Spotts for promotion.

### **BUDGETARY IMPACT**

This position is funded in the 2011 budget.

### **PREVIOUS ACTIONS**

None

### **SUBSEQUENT ACTION**

Council to take action to approve/deny a resolution to promote Mark J. Spotts to the rank of Captain.

### **RECOMMENDED BY**

The Mayor and Police Chief recommend approval.

### **RECOMMENDED MOTION**

Approve/deny the resolution promoting Mark J. Spotts to the rank of Captain with the Reading Police Department to be effective September 19, 2011.

# **R E S O L U T I O N NO. \_\_\_\_\_2011**

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS  
FOLLOWS:

Promoting Lieutenant Mark J. Spotts to the rank of Captain in the Reading  
Police Department, effective Monday, September 19, 2011

Adopted by Council \_\_\_\_\_, 2011

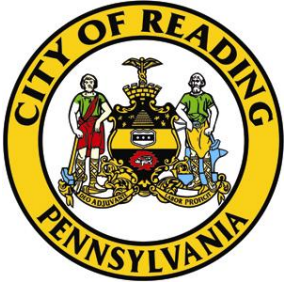
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Vaughn D. Spencer  
President of Council

Attest:

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Linda A. Kelleher CMC  
City Clerk



# AGENDA MEMO

## POLICE DEPARTMENT

**TO:** City Council  
**FROM:** Chief William M. Heim  
**PREPARED BY:** Chief William M. Heim  
**MEETING DATE:** September 12, 2011  
**AGENDA MEMO DATE:** September 6, 2011  
**REQUESTED ACTION:** Authorize the hiring of patrol officer

### **RECOMMENDATION**

The Mayor and Police Chief recommend the hiring of Daniel Castellucci as a probationary patrol officer:

### **BACKGROUND**

The police department is authorized and budgeted for 174 police officers in year 2011. Currently, there are 165 officers on the force. Castellucci is one the top three candidates remaining on the current civil service list and he has already completed his basic police academy training and can be placed directly into the field training program. Other candidates on the list cannot be hired until a police academy class is scheduled for early next year. Castellucci will undergo the physical and psychological examinations required after an offer of conditional employment has been extended.

### **BUDGETARY IMPACT**

None. The police department has current vacancies.

### **PREVIOUS ACTIONS**

None

### **SUBSEQUENT ACTION**

Council to take action to approve a resolution to authorize the hiring of Daniel Castellucci as a police officer.

### **RECOMMENDED BY**

The Mayor and Police Chief recommend approval.

**RECOMMENDED MOTION**

Approve/deny the resolution authorizing the hiring of Daniel Castellucci as a police officer. The effective date will September 19, 2011.

# RESOLUTION NO. \_\_\_\_\_ 2011

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS  
FOLLOWS:

Authorizing Daniel Castellucci as a probationary patrol officer:  
for the Reading Police Department, effective September 19, 2011.

Adopted by Council \_\_\_\_\_, 2011

\_\_\_\_\_  
Vaughn D. Spencer  
President of Council

Attest:

\_\_\_\_\_  
Linda A. Kelleher CMC  
City Clerk



**BILL NO. \_\_\_\_\_ 2011**  
**AN ORDINANCE**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, FEE SCHEDULE, TO REFLECT NEW RATE FOR POLICE DEPARTMENT STANDBY CHARGES.**

**THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1:** The Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Fee Schedule, Police Department Other Fees shall be and is hereby amended to include Standby Charges and shall read as follows:

**Other Fees**

Massage Therapist Fee	\$125	11-2005	2005
Special Event Permit	\$100 or \$300	30-2011	2011
Use of Pistol Range	\$25 per person		2001
Certified Copy of Police Report	\$15		
Local Criminal Check	\$10		
Bomb Squad / K-9 Squad	Sum of costs and manpower used		
Standby Charges	\$88 per hour per officer		

**SECTION 2:** All other items, parts, sections, etc. of the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, which are contrary to the amendment set forth above in Section 1 are hereby repealed; otherwise, all other items, parts, sections, etc. of said Code shall remain in effect unchanged and likewise are ratified.

**SECTION 3:** This ordinance shall be effective ten (10) days after its adoption and

approval by the Mayor, in accordance with Section 219 of the City of Reading Home Rule Charter.

2011 Enacted \_\_\_\_\_,

\_\_\_\_\_

President of Council

Attest:

\_\_\_\_\_

City Clerk

**BILL NO. \_\_\_\_\_-2011**  
**AN ORDINANCE**  
**AMENDING CHAPTER 5, CODE ENFORCEMENT, SECTION 1403 QUALITY OF**  
**LIFE VIOLATIONS AND SECTION 1410 FINES AND PENALTIES OF THE**  
**CODIFIED ORDINANCES OF THE CITY OF READING, ADDING ADDITIONAL**  
**QUALITY OF LIFE VIOLATIONS**

**THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:**

**Section1.** Chapter 5 – Code Enforcement of the City of Reading Codified Ordinances is hereby amended by adding the following violations to §14-103, Quality of Life Violations:

**QOL.020 Historic District Violation** – It shall be the responsibility of the owner of a property located in a Historic District, so designated by City Ordinance, to obtain a Certificate of Appropriateness from the Preservation Officer or the Historic Architecture Review Board before making any alteration, including paint, to the exterior of a structure visible from a public right-of-way. Failure to produce a *bona fide* Certificate of Appropriateness upon request by a Codes official shall constitute a violation of this Ordinance.

**QOL.021 Visible Satellite Dish in Historic District** – It shall be the responsibility of the owner of a property located in a Historic District, so designated by City Ordinance, to obtain a Certificate of Appropriateness from the Preservation Officer or the Historic Architecture Review Board before installing or retaining any satellite dish visible from a public right-of- way.

**QOL.022 Registered Trash Hauler Required** – It shall be the responsibility of the owner of every property to register a licensed trash hauler with the City.

**QOL.023 Temporary Dumpster Permit Required** -- Each temporary dumpster, whether placed on private property or in a public right of way, shall display a valid permit issued by the City of Reading.

**Section 2.** Chapter 5 – Code Enforcement of the City of Reading Codified Ordinances is hereby amended by adding the following to the fines specified in §5-1410, Fines and Penalties:

<b>Violation</b>	<b>Description</b>	<b>Fine 1</b>	<b>Fine 2</b>	<b>Fine 3+</b>
QOL.020	Historic District Violation	\$25.00	\$50.00	\$100.00
QOL.021	Satellite Dishes in Historic Districts	\$25.00	\$50.00	\$100.00
QOL.022	Registered Trash Hauler Required	\$25.00	\$50.00	\$100.00
QOL.023	Temporary Dumpster Permit Required	\$25.00	\$50.00	\$100.00

**SECTION 3:** All other items, parts, sections, etc. of the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, which are contrary to the amendment set forth above in Section 1 are hereby repealed; otherwise, all other items, parts, sections, etc. of said Code shall remain in effect unchanged and likewise are ratified.

**SECTION 4:** This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, in accordance with Section 219 of the City of Reading Home Rule Charter.

Enacted \_\_\_\_\_, 2011

\_\_\_\_\_  
Council President

Attest:

\_\_\_\_\_  
City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

ORDINANCE \_\_ - 2011

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED  
ORDINANCES, PART 20, SOLID WASTE, PART 2, DUMPSTER PLACEMENT,  
SECTION 203, CONDITIONS OF USE, SUBSECTION 2.E, TEMPORARY AND  
PERMANENT DUMPSTERS

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

**Section 1.** The Codified Ordinances of the City of Reading Part 20 Solid Waste, Part 2 Dumpster Placement Section 203 Conditions of use is amended as follows:

**§20-203. Conditions of Use.**

**2. Placement and Maintenance of Dumpsters.**

**E. Temporary and Permanent Dumpsters.**

(1) **Temporary Dumpsters.** Temporary dumpsters, incidental to construction, rehabilitation or demolition work, may be placed within the public right-of-way, *or on private property*, for a maximum of 10 days after receipt of the necessary permit. The permit shall be displayed on the dumpster. All temporary dumpsters, *whether placed on private property or within a public right-of-way*, with contents *to be covered with a suitable cover or tarpaulin during: (a) periods of non-use; (b) night hours (6:00 P.M. to 6:00 A.M.); (c) high wind conditions; or (d) transport in order to prevent unauthorized use and/or scattering of any contents therein. It shall be the responsibility of the owner of the dumpster to obtain required permits. The City shall have the right to impound any unpermitted dumpster at the cost of the owner.*

[2] **Permanent Dumpsters.** Permanent dumpsters - 3 cubic yards or less – may be placed within the public right-of-way when it has been determined by the Codes Enforcement Division in conjunction with the Department of Public Works that no other location is available for trash collection and storage and the owner has received the necessary permit. The owner must first demonstrate that this dumpster is necessary to ensure the health and safety for area residents and patrons. Dumpsters *of* 3 cubic yards or greater cannot be permanently placed in any right-of-way.

**SECTION 2:** All other items, parts, sections, etc. of the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, which are contrary to the amendment set forth above in Section 1 are hereby repealed; otherwise, all other items, parts, sections, etc. of said Code shall remain in effect unchanged and likewise are ratified.

**SECTION 3:** This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, in accordance with Section 219 of the City of Reading Home Rule Charter.

Enacted \_\_\_\_\_, 2011

\_\_\_\_\_  
Council President

Attest:

\_\_\_\_\_  
City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

**ORDINANCE NO. \_\_\_\_\_-2011**  
**A BILL**

AMENDING THE CODIFIED ORDINANCES CHAPTER 1, PART 5 BY ELIMINATING FOUR POSITIONS FROM THE CITY OF READING DIVERSITY BOARD.

*Whereas:* The City of Reading City Council created a City of Reading Diversity Board to foster a citywide commitment to diversity that extends from the Mayor and City Council throughout city government.

Whereas: The City of Reading City Council desires to eliminate four positions from the City of Reading Diversity Board.

**THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

**Section 1:** Amending the City of Reading Codified Ordinances Chapter 1, Part 5 by eliminating four positions from the City of Reading Diversity Board as follows:

**§ 1-599.53. MEMBERSHIP.** The Diversity Board shall be composed of ~~thirteen (13)~~ *nine (9)* voting members, chosen to serve three year staggered terms and appointed by the City Council. The Diversity Board shall include one (1) representative of Council, one (1) representative of the City management team, one (1) representative from the Human Resources Department, ~~the Chief of Police or his/her designee, the Fire Chief or his/her designee, the Public Works Director or his/her designee, two (2) members of the Police Diversity Board, two (2) members of the Fire Diversity Board,~~ one (1) member representing each of the AFSCME, Police and Fire work force groups, one (1) representative of the NAACP, one (1) representative of the PSLC, *the City's Diversity Officer* and two (2) members reflecting the geographic, demographic, technical, and non-technical backgrounds of the citizens of Reading.

A Diversity Board member may be removed by City Council for misconduct or neglect of duty. Diversity Board members having three or more unexcused absences in a calendar year may be replaced by City Council. Notification of potential dismissal from the Advisory Council will be mailed by the Chair to the board member following a second absence within a calendar year.

**SECTION 2. EFFECTIVE DATE.** This Ordinance will become effective in ten (10) days, in accordance with Charter Section 219.

Enacted \_\_\_\_\_, 2011

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_



## **AGENDA MEMO**

**TO:** CITY COUNCIL

**FROM:** FREDERICK T. LACHAT, III, ESQUIRE

**PREPARED BY:** FREDERICK T. LACHAT, III, ESQUIRE

**MEETING DATE:** AUGUST 22, 2011

**AGENDA MEMO DATE:** AUGUST 11, 2011

**REQUESTED ACTION:** Council approve an ordinance Amending Chapter 5 Part 1 Building Code, Part 2 Plumbing Code, Part 4 Electrical Code and Part 5 Mechanical Code as well as the City of Reading Fee Schedule to include a \$150.00 fee for removal of a stop work order placard.

**RECOMMENDATION:** Administration recommends that Council approve the adoption of the Ordinance.

**BACKGROUND:** The increase is requested because there is no fee for the work performed by the Building and Trades Division when they inspect a work site that was issued a stop work order to ensure that the contractors or property owners have cured all Uniform Construction Code violations so that the stop work order placard can be removed and work resumed.

**BUDGETARY IMPACT:** Adopting this ordinance will allow the City to be reimbursed for the work performed by the Building and Trade division for the inspections and work required to ensure a project that has been placarded with a stop work order is brought back up to code before removal of the placard.

**PREVIOUS ACTION:** None

**SUBSEQUENT ACTION:** Council consider this Ordinance for adoption at its next regular scheduled meeting following discussion of the same.

**RECOMMENDED BY:** Chief Building Official, Mechanical Inspector, Electrical Inspector, Plumbing Inspector and City Legal Specialist recommend the adoption of this Ordinance.

**RECOMMENDED MOTION:** Approve the adoption of the Ordinance amending Chapter 5 Part 1 Building Code, Part 2 Plumbing Code, Part 4 Electrical Code and Part 5 Mechanical Code as well as the City of Reading Fee Schedule to include a \$150.00 fee for removal of a stop work order placard.

AN ORDINANCE AMENDING THE INTERNATIONAL/CITY OF READING BUILDING CODE, EXISTING BUILDING CODE, PLUMBING CODE, ELECTRICAL CODE, MECHANICAL CODE, AND RESIDENTIAL CODE AND AS ADOPTED BY THE CITY OF READING AND CODIFIED IN CHAPTER 5, CODE ENFORCEMENT, OF THE CITY OF READING CODIFIED ORDINANCES

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Chapter 5 Code Enforcement of the City of Reading Codified Ordinances is amended to include a stop work order placard removal fee in the amount of one hundred and fifty dollars (\$150.00) pursuant to the International/City of Reading Building Code, Existing Building Code, Electrical Code, Mechanical Code, Residential Code and Plumbing Code as Adopted by the City of Reading. Chapter 5 Code Enforcement is specifically amended as follows:

Part 1 Building Code

B. International Building Code

§5-112 Amendments

H. Chapter 1, Section 108.2 is amended to include the following:

**Removal of Placard.** The Building Code Official, his designee or Code Official shall remove the stop work order placard whenever the defect or defects upon which the stop work order and placarding action were based have been eliminated and with the payment of a \$150 fee. Any person who conceals, covers, hides, defaces or removes a stop work order placard without the approval of the Building Code Official shall be subject to the penalties provided by this code.

C. International Existing Building Code

§5-112 Amendments

C. Section 105.1.2.3 is amended to include the following:

**Removal of Placard.** The Building Code Official, his designee or Code Official shall remove the stop work order placard whenever the defect or defects upon which the stop work order and placarding action were based have been eliminated and with the payment of a \$150 fee. Any person who conceals, covers, hides, defaces or removes a stop work order placard without the approval of the Building Code Official shall be subject to the penalties provided by this code.

Part 2 International Plumbing Code

§5-202 Amendments

A. Administration

(5) Section 106, Permits

(e) ADM 106.6.2, Fee Schedule is amended to include the following:

**Removal of Placard.** The Building Code Official, his designee or Code Official shall remove the stop work order placard whenever the defect or defects upon which the stop work order and placarding action were based have been eliminated and with the payment of a \$150 fee. Any person who conceals, covers, hides, defaces or removes a stop work order placard without the approval of the Building Code Official shall be subject to the penalties provided by this code.

Part 4 International Electrical Code

§5-202 Amendments

8. Section 404, Fees.

A. Section 404.2 is amended to include the following:

**Removal of Placard.** The Building Code Official, his designee or Code Official shall remove the stop work order placard whenever the defect or defects upon which the stop work order and placarding action were based have been eliminated and with the payment of a \$150 fee. Any person who conceals, covers, hides, defaces or removes a stop work order placard without the approval of the Building Code Official shall be subject to the penalties provided by this code.

Part 5 International Mechanical Code

§5-202 Amendments

F. Section 106, Permits

(2) Section 106.5.2 Fees, is amended to include the following:

**Removal of Placard.** The Building Code Official, his designee or Code Official shall remove the stop work order placard whenever the defect or defects upon which the stop work order and placarding action were based have been eliminated and with the payment of a \$150 fee. Any person who conceals, covers, hides, defaces or removes a stop work order placard without the approval of the Building Code Official shall be subject to the penalties provided by this code.

Part 8 International Residential Code

§5-802 Amendments

B. Section R108.2 is amended to include the following:

**Removal of Placard.** The Building Code Official, his designee or Code Official shall remove the stop work order placard whenever the defect or defects upon which the stop work order and placarding action were based

have been eliminated and with the payment of a \$150 fee. Any person who conceals, covers, hides, defaces or removes a stop work order placard without the approval of the Building Code Official shall be subject to the penalties provided by this code.

SECTION 2. All other provisions of the International/City of Reading Building Code, Existing Building Code, Electrical Code, Mechanical Code, Residential Code and Plumbing Code as Adopted by the City of Reading shall remain effective.

SECTION 3. Any court determination that a portion of an amended section is unconstitutional or invalid shall not affect the remaining portion of said section or other ordinance sections.

SECTION 4. This Ordinance shall become effective within ten (10) days of the date of passage and approval by the Mayor or override of the Mayor's veto.

Adopted \_\_\_\_\_, 2011

\_\_\_\_\_  
Council President

Attest:

\_\_\_\_\_  
City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

## **AGENDA MEMO**

TO: CITY COUNCIL  
FROM: FREDERICK T. LACHAT, III, ESQUIRE  
PREPARED BY: FREDERICK T. LACHAT, III, ESQUIRE  
MEETING DATE:  
AGENDA MEMO DATE: August 17, 2011

**REQUESTED ACTION:** Council approve an ordinance Amending Chapter 5 Part 1 Building Code, as well as the City of Reading Fee Schedule to require a City of Reading Building Code Official that is certified as an accessibility specialist, to perform accessibility plan reviews and inspections pursuant to Chapter 11 of the International Building Code and establishing a fee for accessibility plan reviews of 25% of the aggregate cost of labor and materials, but not to exceed \$2,000.00.

**RECOMMENDATION:** Administration recommends that Council approve the adoption of the Ordinance.

**BACKGROUND:** The City of Reading has elected to enforce the Uniform Construction Code. However, the City was required to defer all accessibility plan reviews to the state Department of Labor and Industry until it employed an official certified to perform accessibility reviews. The City has since hired Chief Building inspector Tom Wargo, is certified as an accessibility specialist and qualified to perform accessibility plan reviews. Now that the City has the capability under the Uniform Construction Code to perform these reviews and inspection.

**BUDGETARY IMPACT:** Adopting this ordinance will allow the City to generate revenue by conducting the plan reviews and inspections and charging a fee that is currently going to the Pennsylvania Department of Labor and industry.

**PREVIOUS ACTION:** None

**SUBSEQUENT ACTION:** Council consider this Ordinance for adoption at its next regular scheduled meeting following discussion of the same.

**RECOMMENDED BY:** Chief Building Official, Mechanical Inspector, Electrical Inspector, Plumbing Inspector and City Legal Specialist recommend the adoption of this Ordinance.

**RECOMMENDED MOTION:** Approve the adoption of the Ordinance amending Chapter 5 Part 1 Building Code, as well as the City of Reading Fee Schedule to require a City of Reading Building Code Official that is certified as an accessibility specialist, to perform accessibility plan reviews and inspections pursuant to Chapter 11 of the International Building Code and establishing a fee for accessibility plan reviews.

AN ORDINANCE AMENDING THE INTERNATIONAL/CITY OF READING BUILDING CODE, AS ADOPTED BY THE CITY OF READING AND CODIFIED IN CHAPTER 5, CODE ENFORCEMENT, OF THE CITY OF READING CODIFIED ORDINANCES

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Chapter 5 Code Enforcement of the City of Reading Codified Ordinances is amended to allow a City of Reading Building Code Official, who is certified as an accessibility specialist, to perform all accessibility plan reviews and inspections pursuant to § 403.141(b) of the Uniform Construction Code, with a fee each plan review of 25% of the aggregate cost of labor and materials, but not to exceed \$2,000.00, pursuant to the International/City of Reading Building Code, as Adopted by the City of Reading. Chapter 5 Code Enforcement is specifically amended as follows:

Part 1 Building Code

B. International Building Code

§5-103. Administration and Enforcement.

Administration and enforcement of the Building Code within the City of Reading, Pennsylvania shall be undertaken in any of the following ways as determined by the governing body of the City of Reading, Pennsylvania, from time to time by appropriate legislation:

A. By the designation of an employee of the City of Reading, Pennsylvania to serve as the municipal code official to act on behalf of the City of Reading, Pennsylvania.

B. By the retention of one or more construction code officials or third-party agencies to act on behalf of the City of Reading, Pennsylvania.

C. By agreement with one or more other municipalities for the joint administration and enforcement of this Part through an intermunicipal agreement.

D. By entering into a contract with another municipality for the administration and enforcement of this Part on behalf of the City of Reading, Pennsylvania.

~~E. By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections and enforcement of structures other than one-family or two-family dwelling units and utility and miscellaneous use structures.~~

By retention of a building code official certified as an accessibility specialist, to perform accessibility plan reviews and inspections pursuant to Chapter 11 of the International Building Code.

§5-112 Amendments

- K. **J. Chapter 11**, is amended to allow the City of Reading Building Code Official, certified as an accessibility specialist, to perform all

accessibility plan reviews and inspections pursuant to § 403.141(b) of the Uniform Construction Code. A fee of .25% of the aggregate cost of labor and materials, but not to exceed \$2,000.00, shall be charged for all accessibility plan reviews and inspections.

SECTION 2. All other provisions of the International/City of Reading Building Code, as Adopted by the City of Reading shall remain effective.

SECTION 3. Any court determination that a portion of an amended section is unconstitutional or invalid shall not affect the remaining portion of said section or other ordinance sections.

SECTION 4. This Ordinance shall become effective within ten (10) days of the date of passage and approval by the Mayor or override of the Mayor's veto.

Adopted \_\_\_\_\_, 2011

\_\_\_\_\_  
Council President

Attest:

\_\_\_\_\_  
City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

BILL NO. \_\_\_\_\_-2011

**A N O R D I N A N C E**

**AMENDING THE CITY OF READING CODIFIED ORDINANCES  
CHAPTER 1 ADMINISTRATION AND GOVERNMENT, SECTION §1-  
186. FISCAL PROVISIONS, PART 4 BANK AND INVESTMENT  
ACCOUNTS**

**NOW, THEREFORE THE COUNCIL OF THE CITY OF READING HEREBY  
ORDAINS AS FOLLOWS:**

**SECTION 1.** Amending the City of Reading Codified Ordinances Chapter 1  
Administration And Government, Section §1-186. Fiscal Provisions Part 4 Bank and  
Investment Accounts as follows:

**Part 4. Bank and Investment Accounts**

The City of City Council shall, annually, authorize all Bank and Investment  
accounts opened and used by the City by resolution on or before the last day of  
January of the new calendar year.

New Bank and Investment accounts shall only be opened under the signature of  
the Director of Administrative Services, the City Auditor and the Managing  
Director and shall be approved by Council resolution before funds are deposited.

**SECTION 2.** This ordinance shall be effective ten (10) days after its adoption and  
approval by the Mayor, in accordance with Section 219 of the City of Reading Home  
Rule Charter.

Enacted \_\_\_\_\_, 2011

\_\_\_\_\_  
Council President

Attest:



\_\_\_\_\_ City  
Clerk

(Council Staff)

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

BILL NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 27-501 OF THE CITY OF READING ZONING ORDINANCE BY AMENDING THE MAP WHICH PROVIDES FOR THE BOUNDARIES OF THE DISTRICTS ENUMERATED IN SECTION 27-501. SECTION 27-501 SHALL BE AMENDED TO PROVIDE FOR THE REZONING OF A PARCEL OF LAND CURRENTLY LOCATED WITHIN THE CITY OF READING'S R-1 ZONING DISTRICT TO H-M, HEAVY MANUFACTURING. THE PARCEL OF LAND TO BE REZONED FROM R-1 TO H-M IS THAT PORTION OF A PARCEL OF LAND LOCATED PARTIALLY WITHIN MUHLENBERG TOWNSHIP AND PARTIALLY WITHIN THE CITY OF READING, WHICH IS LOCATED WITHIN THE CITY OF READING AND IS BOUNDED BY LEICZS BRIDGE ROAD AND STATE ROUTE 12, HAVING BERKS COUNTY PARCEL IDENTIFICATION NUMBER 530814427905, AS FURTHER DESCRIBED IN A DEED RECORDED IN THE OFFICE IN AND FOR THE BERKS COUNTY RECORDER OF DEEDS AT DEED BOOK VOLUME 1914 PG. 0112.

#### BACKGROUND

WHEREAS, the City of Reading Codified Ordinances sets forth Chapter 27, entitled "City of Reading Zoning Ordinance" which chapter has been amended from time to time; and

WHEREAS, Section 27-501 establishes and adopts the "Official Zoning Map" of the City of Reading; and

WHEREAS, the City Council of the City of Reading desires to amend the Official Zoning Map of the City of Reading, more specifically, portions of the Northwest portion of the City of Reading as depicted in Exhibit "A" attached hereto, in accordance with the provisions set forth in Section 609 of the Pennsylvania Municipalities Planning Code, as enunciated in 53 P.S. § 10609.

NOW, THEREFORE, the City Council of the City of Reading hereby ordains as follows:

SECTION 1. Section 27-501 of the City of Reading Zoning Ordinance is hereby amended so as to provide that:

A. That portion located in the City of Reading of a certain tract of land recorded at Deed Book Volume 1914, Page 0112, in the Berks County Recorder of Deeds office, having a parcel identification number of 530814427905, bounded by Leiczs Bridge Road and State Route 12 and currently constituting a portion of the R-1

Zoning District, shall henceforth constitute a portion of the H-M, Heavy Manufacturing Zoning District.

SECTION 2. The zoning officer of the City of Reading is hereby authorized to take such actions as may be necessary to cause the Official Zoning Map of the City of Reading to be amended in accordance with the terms and provisions of this Ordinance and shall take such other actions as may be necessary to effectuate the terms of this Ordinance.

SECTION 3. All ordinances or resolutions, or parts of ordinances or resolutions, insofar as they are inconsistent with this Ordinance are hereby repealed.

SECTION 4. The provisions of this Ordinance shall be severable and if any of its provisions shall be held to be unconstitutional or illegal, the validity of any other remaining provisions of the Ordinance shall not be effected thereby. It is hereby expressly declared as the intent of the City Council of the City of Reading that this Ordinance would have been adopted had such unconstitutional or illegal provision or provisions had not been included herein.

SECTION 5. All other provisions of Section 27-501, et seq., of the City of Reading Codified Ordinances shall remain unchanged and in full force and effect.

SECTION 6. This Ordinance shall become effective ten (10) days after its enactment by City Council.

ENACTED this \_\_\_\_ day of \_\_\_\_\_, 2011.

CITY OF READING,  
Berks County, Pennsylvania

By:

\_\_\_\_\_

President of Council

Attest:

\_\_\_\_\_

City Clerk

BILL NO. \_\_\_\_\_-2011

**A N O R D I N A N C E**

**AUTHORIZING THE MAYOR TO EXECUTE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE READING BERKS ASSOCIATION OF REALTORS AND THE CITY OF READING FOR THE CREATION OF THE CORE PROGRAM WITHIN READING.**

**WHEREAS**, the Reading Berks Association of Realtors proposed the Community Reinvestment (CORE) Program to City Council, the Administration and the Reading Redevelopment Authority in early 2011; and

**WHEREAS**, the CORE Program is modeled after the Selling City Owned Properties Efficiently (SCOPE) Program used successfully in Baltimore, and the Reading Berks Association of Realtors recognized that that same success could be achieved in Reading; and

**WHEREAS**, after several work group meetings with the Reading Berks Association of Realtors, the City recognizes that the CORE Program could assist the City in improving its housing stock and could help to reduce the number of vacant and blighted properties within the City; and

**WHEREAS**, the CORE Program is designed to create a simplified and cost effective process for putting vacant and underutilized properties back into productive use. The program engages local real estate agents to list and sell the properties via the multiple listing service (MLS) to responsible buyers, who will rehabilitate the properties within 18 or fewer months of the settlement.

**NOW, THEREFORE THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** The Mayor is authorized to execute the attached Memorandum of Understanding as attached in Exhibit A that sets the program criteria and guidance on the implementation of the CORE Program.

**SECTION 2.** This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, in accordance with Section 219 of the City of Reading Home Rule Charter.

Enacted \_\_\_\_\_, 2011

\_\_\_\_\_  
Council President

Attest:

\_\_\_\_\_  
City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

BILL NO. \_\_\_\_\_-2011  
AN ORDINANCE

**AMENDING THE CITY OF READING CODIFIED ORDINANCES  
CHAPTER 15 PARKING METERS SECTION §15-502 PARKING METER  
ZONES, SECTION §15-503 SATURDAYS, SUNDAYS, HOLIDAYS  
EXEMPTED, §15-504 TIME OF PARKING LIMITED BY ZONE; HOURS  
OF OPERATION.**

**SECTION 1.** Amending the City of Reading Codified Ordinances Chapter 15, Parking Meters Section §15-502 Parking Meter Zoned, Section §15-503 Saturdays, Sundays, Holidays Exempted, §15-504. Time of Parking Limited by Zone; Hours of Operation as follows:

**§15-502. Parking Meter Zones Established; Traffic Control Maps.**

All municipal parking lots operated by the City of Reading or the Parking Authority of the City of Reading.

A. Parking meter zones shall be established and set forth by legend on the traffic control maps of the City; the provisions of this Section shall not become effective until the adoption of the traffic control maps by Council.

B. Parking meter zones are hereby established on the following streets, highways and blocks in the City of Reading and on municipal parking lots operated by the City or the Parking Authority of the City of Reading, as follows:

**(1) Parking Meter Zone Number One (1 Hour Parking).**

Cherry Street - ~~800, 600,~~ 500, 400

Penn Street - 400, 500, ~~700, 800,~~ 900

~~Washington Street - 700, 800~~

Court Street - 300, 400, 500, ~~600, 700, 800~~ (500 has a mix of 30 minutes and 1 hour)

Walnut Street - 400, 50

Reed Street- 100

Elm Street - 500

Church St- 000

South Third Street - 000

South Fourth Street - 000

North Fourth Street 000

South Fifth Street - 100

North Sixth Street - ~~000,~~ 100

~~South Sixth Street - 000~~

~~South Eighth Street - 000~~

North Eighth Street -100

~~South Ninth Street - 000~~

~~North Ninth Street – 000~~

**(2) Parking Meter Zone Number Two (2 Hour Parking).**

Cherry Street – 300, **600, 800**

Penn Street - 200, 300, **700, 800**

Franklin Street - 400, 500

Court Street – 200, **600, 700, 800**

Walnut Street - 600, 700, 800

North Third Street - 000 (Meters added by Chiarelli Garage)

North Fifth Street -100, 200, 300

South Sixth Street – **000**, 100

North Sixth Street – **000**, 200

**South Eighth Street - 000**

North Ninth Street – **000**, 100

**South Ninth Street - 000**

Washington Street – **700, 800 and 100** [Ord. 3-2007]

**(3) Parking Meter Zone Number Three (½ Hour Parking).**

Court Street - 500

North Fifth Street - 000

East side of North Fifth Street from Court Street to Washington Street.

North side of Court Street from North Fifth Street to Church Street (Post Office).

(Ord. 14-2001, 5/29/2001; as amended by Ord. 85-2006, 11/27/2006, §1; and by Ord. 3-2007, 2/12/2007, §1)

**§15-503. Saturdays, Sundays and Holidays Excepted.**

Parking restrictions and limitations in any parking meter zone are exempted on Saturdays, Sundays and on the holidays of New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Eve and Christmas unless otherwise posted; *however, enforcement on parking meter zones in the following areas will not be exempted in the following blocks on any days or evenings when events are scheduled for the Sovereign Center:*

**000 South, 000 North 6<sup>th</sup> St.**

**000 South 8<sup>th</sup> St.**

**000 South, 000 North 9<sup>th</sup> St.**

**600, 800 Cherry St.**

**700, 800 Penn St.**

**600, 700, 800 Court St.**

**700, 800 Washington St.**

**§15-504. Time of Parking Limited by Zone; Hours of Operation.**

On all days, other than those set forth in §15-503, parking in Parking Meter Zone 1 is hereby limited to a period of 1 hour(s) and in Parking Meter Zone 2 a period of 2 hours, and in Parking

Meter Zone 3 a period of 30 minutes between the hours of 8:00 a.m. and 6:00 p.m. (Ord. 14-2001, 5/29/2001)

*On Saturdays, Sundays and Holidays when events are scheduled for the Sovereign Center meter enforcement will occur from 8 a.m. to 8 p.m. on the following blocks:*

***000 South, 000 North 6<sup>th</sup> St.***

***000 South 8<sup>th</sup> St.***

***000 South, 000 North 9<sup>th</sup> St.***

***600, 800 Cherry St.***

***700, 800 Penn St.***

***600, 700, 800 Court St.***

***700, 800 Washington St.***

**SECTION 2.** All other parts of the Ordinance remain unchanged.

**SECTION 3.** This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, in accordance with Section 219 of the City of Reading Home Rule Charter.

Enacted \_\_\_\_\_, 2011

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

*(Council Office & Parking Authority)*

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_



Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

BILL NO. \_\_\_\_\_-2011

**A N O R D I N A N C E**

**AUTHORIZING THE MAYOR OR THE PURCHASING COORDINATOR, AS HIS DESIGNEE, TO ENTER INTO AN AGREEMENT WITH MUNICIBID (ONLINE GOVERNMENT AUCTIONS) TO LIST VARIOUS CITY PROPERTY ITEMS FOR PUBLIC SALE ONLINE TO THE HIGHEST BIDDER.**

**WHEREAS**, the City of Reading is the owner of various personal property items which it desires to sell; and

**WHEREAS**, the City of Reading desires to utilize the services of “municibid” (online government auctions) to dispose of certain City owned personal property items; and

**WHEREAS**, the City of Reading has determined that “municibid” will be an efficient and cost effective method to dispose of unwanted City owned personal property items

**NOW, THEREFORE THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** The Mayor, or the Purchasing Coordinator as his designee, is authorized to enter into an agreement with “municibid” (online government auctions) to dispose of unwanted City owned personal property items (including but not limited to motor vehicles). Said authorization is extended to any and all required documents to effectuate said City participation in online public auctions through “municibid”.

**SECTION 2.** This Ordinance shall be effective ten (10) days after adoption by City Council and approval by the Mayor approval or as provide by Home Rule Charter Sections 219 & 221.

Enacted \_\_\_\_\_, 2011

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

(LAW DEPT.)

RESOLUTION NO. \_\_\_\_\_

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS  
FOLLOWS:

Denying the Conditional Use application submitted by David DeJesus and Maritza  
Concepcion requesting a zoning permit for a two (2) unit conversion at 334  
McKnight Street and orders that the property be deconverted to a one unit single  
family owner occupied property within six (6) months of the date this order.

Adopted by Council \_\_\_\_\_, 2011

\_\_\_\_\_  
Vaughn D. Spencer  
President of Council

Attest:

\_\_\_\_\_  
Linda A. Kelleher  
City Clerk

(Council Staff/Law)

IN RE: APPLICATION OF	: BEFORE THE CITY OUNCIL
DAVID DEJESUS AND	:
MARITZA CONCEPCION	: OF THE CITY OF READING,
FOR A CONDITIONAL USE	: PENNSYLVANIA
PERMIT FOR A TWO UNIT	:
CONVERSION AT 334	:
MCKNIGHT STREET, READING,	:
BERKS COUNTY, PENNSYLVANIA	:

**DECISION OF THE CITY OF READING  
CITY COUNCIL ON A CONDITIONAL USE APPLICATION**

**AND NOW**, this 22<sup>nd</sup> day of August, 2011, hearings have been held on August 2, 2011, upon the application of David DeJesus and Maritza Concepcion, owners of 334 McKnight Street, notice of such hearing having been first sent, posted and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the City of Reading City Council (hereinafter "Council") renders the following decision:

**FINDINGS OF FACT**

City Council finds the following facts:

1. The Applicant is David DeJesus and Maritza Concepcion, "Applicant" with a registered address of 334 McKnight Street, Reading, PA 19601.

2. Applicant is the fee simple owner of the property of 334 McKnight Street at the time of application and at the time of the hearing.

3. The Subject Property is located in the R-3 Zoning District as that term and district is defined by the City of Reading Zoning Ordinance, as amended, (hereinafter referred to as "Zoning Ordinance").

4. Applicant is seeking a Conditional Use for the conversion of a single family property to a two (2) unit property as per the City of Reading Zoning Ordinance per §27-1203.4.

5. The Applicant attended the hearing.

6. The City Solicitor for the City entered the agenda and all attachments on to the record, without objection from the Applicant.

7. The Applicant stated that the main part of the property is a five (5) bedroom single family rental and that the additional one (1) bedroom rental unit was discovered when a Property Maintenance Inspector conducted an inspection of the property. The Inspector then informed her of the need to obtain a zoning permit. She stated that she owned the property since 2006 but did not reside at the property until recently. She stated that she currently lives in the one (1) bedroom rental unit.

8. The Applicant testified that she purchased the property as a single family unit and added the rental unit for storage purposes. She stated that she recently moved into the rental unit when she sold her residential property.

9. The Zoning Administrator stated that she reviewed the property file and found a zoning permit for a single family rental and garage. At the time the single family permit was issued, the additional one (1) bedroom unit was used for storage purposes. She stated that the property file in Trades does not contain building permits for the construction of the additional one (1) bedroom unit.

10. The Zoning Administrator stated that the zoning ordinance requires a one (1) bedroom unit to be a minimum of 550 sq. ft. She reported that this unit is much smaller and it does not meet the specifications in the zoning ordinance. She also noted that three (3) off-street parking spaces are required. She added that the applicant is also seeking a variance from the zoning hearing board to operate a repair garage. She stated that she does not recommend the approval of this conditional use permit.

11. The City Planner stated that the Planning Commission reviewed the application at their July 26<sup>th</sup> meeting and adopted Resolution No. 64-2011 recommending that the application be denied because the unit does not meeting the size regulations in the zoning ordinance and because there is insufficient off-street parking. He stated that the Planning Commission is also concerned about the impact the repair garage will have on the neighborhood.

12. The Applicant testified that off-street parking is available at the garage owned by her brother at 322 McKnight Street; however, she stated that the garage is best suited for a single user who owns more than one (1) vehicle.

## DISCUSSION

The Applicant is seeking a Conditional Use Permit to convert the building located at 334 McKnight Street to a two (2) unit property. The building is located in an R3 zoning district. The City of Reading Zoning Ordinance §27-1203.4 Conversions provides that the following standards are met:

**D. Conversions.** This section applies to an existing building where it is allowed by the zoning district regulations to be converted into new dwelling units:

1. A site plan, drawn to the scale, showing the location and dimensions of all off-street parking, private entrances, walkways and landscaping, shall be submitted, as well as, architectural plans showing the dimensions and square footage of all rooms and storage spaces and indicating the intended use of all rooms.
2. The conversion shall have the minimum floor area as designated by the following schedule:

### **Apartment Square Feet**

Efficiency or Studio	Not Allowed
One Bedroom	550
Two Bedroom	700
Three or More Bedroom	850

3. For each dwelling unit, there shall be a minimum 1.5 off-street parking spaces per unit.
4. Documents indicating to the City Codes Staff's satisfaction that all plumbing, heating and electrical equipment and facilities are adequate and appropriate for the proposed use. The entire building shall also be made available for a code inspection.

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Subject Property is located in the R-3 Zoning District.
2. Hearing was held on August 2, 2011.
3. Applicant requests a Conditional Use for a conversion of the Subject Property to a two (2) unit property.
4. The burden of proof in an application for a Conditional Use is upon the Applicant.
5. City of Reading City Council is permitted to grant Conditional Uses and other relief as set forth in the Zoning Ordinance of the City of Reading and Pennsylvania Municipalities Planning Code upon compliance with the requirements therefore set forth in the Zoning Ordinance.
6. In order to grant the relief, Applicant must show that it has satisfied §27-1203.4 of the City of Reading Zoning Ordinance and met the conditions applied by City Council.
7. At the hearing, Applicant failed to provide proof that they satisfied the conditions of §27-1203.4 of the City of Reading Zoning Ordinance
- 8 Applicant did not file an application for other relief from the City of Reading Zoning Hearing Board.
9. Applicant did not provide sufficient proof that the existing facility conforms to the general character of other properties in the neighborhood and will not adversely affect the safety of the affected property owners. Applicant also failed to provide the required site plan of the units and the off-street parking spaces and documents showing that the property's plumbing, heating and electrical equipment and facilities are adequate and appropriate for the proposed use.
10. The Zoning Administrator and City Planner recommend the denial of this conversion application.

## **DECISION**

After reviewing the Applicant's request in detail, City Council enters the following decision:



The application of David DeJesus and Maritza Concepcion for a conditional use permit for a conversion to create two (2) units at 334 McKnight Street is hereby denied for the following reasons:

1. The Applicant failed to provide proof that three (3) off-street parking spaces that can be used by the occupants of both units exists, and
2. The Applicant failed to provide proof that the property is in compliance with the City Code regulations, and
3. The one (1) bedroom unit fails to comply with the size specifications within the Zoning Ordinance, and
4. City Council finds that this neighborhood is overly populated.

City Council further orders that the property be deconverted to a one unit, owner occupied single family dwelling within six (6) months of the date of this order.

This is the decision of the City of Reading City Council by a vote of \_\_\_\_ to \_\_\_\_.

CITY OF READING CITY COUNCIL

---

President of Council

Attest:

---

City Clerk

RESOLUTION NO. \_\_\_\_\_

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS  
FOLLOWS:

Approves the Conditional Use application submitted by Ryan Bradley and Second  
Chance requesting a zoning permit for a group home at 132 West Oley Street with  
conditions as attached herein.

Adopted by Council \_\_\_\_\_, 2011

\_\_\_\_\_  
Vaughn D. Spencer  
President of Council

Attest:

\_\_\_\_\_  
Linda A. Kelleher  
City Clerk

*Council Staff/Law Dept*

IN RE: APPLICATION OF	: BEFORE THE CITY COUNCIL
SECOND CHANCE	: OF THE CITY OF READING,
and RYAN BRADLEY	:FOR A CONDITIONAL USE
PENNSYLVANIA	:
PERMIT FOR A GROUP	:
HOME AT	:
132 WEST OLEY	:
STREET, READING, BERKS	:
COUNTY, PENNSYLVANIA	:

**DECISION OF THE CITY OF READING  
CITY COUNCIL ON A CONDITIONAL USE APPLICATION**

**AND NOW**, this 22<sup>th</sup> day of August, 2011, hearings have been held on August 2, 2011, upon the application of Second Chance LLC and Ryan Bradley, tenants of 132 West Oley Street, notice of such hearing having been first sent, posted and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the City of Reading City Council (hereinafter "Council") renders the following decision:

**FINDINGS OF FACT**

City Council finds the following facts:

1. The Applicant is Second Chance LLC and Ryan Bradley, "Applicant" with a registered address of 132 West Oley Street, Reading PA 19601.
2. Applicant has obtained permission from Linda Angstadt, property owner, to have a group home at 132 West Oley Street, "Subject Property".

3. The Subject Property is located in the R-3 Zoning District as that term and district is defined by the City of Reading Zoning Ordinance, as amended, (hereinafter referred to as "Zoning Ordinance").

4. Applicant is seeking a Conditional Use for a group home at the Subject Property as per the City of Reading Zoning Ordinance per §27-1203.9.

5. The Applicant attended the hearing and provided testimony.

6. The City Solicitor for the City entered the agenda and all attachments on to the record and the Applicant did not object.

7. The Applicant testified that the property is a single family residence.

8. The Applicant stated that he is the applicant and the founder of Second Chance LLC. He explained that he founded this group to assist people with reentry from correctional facilities and the homeless. He explained that the Angstadt's are the property owners and they offered to rent the property to the organization for this purpose. He described the mission of the organization. He explained that the main goal of the organization is to provide a safe and stable living environment and provide strong support and education which will assist them with becoming responsible citizens.

9. The Applicant stated that the property has been renovated and that no more than three (3) individuals will reside at the property at one (1) time. He stated that the home currently has five (5) bedrooms but the two (2) bedrooms located on the 3<sup>rd</sup> floor will be used for storage. He stated that Second Chance LLC will never house those convicted of arson or sex offenses.

10. The Applicant testified that surrounding neighbors support the group home and its goals.

11. The Applicant testified that as none of the potential residents will have vehicles, as they will not have driver's licenses; off-street parking spaces are not needed.

12. The Applicant stated that there is no live in supervision, that only three (3) guests will stay at the property at one time and that the 3<sup>rd</sup> floor will be used only for storage. He also stated that there are no security cameras installed at the group home because he and another member of the organization reside in this neighborhood.

13. The Zoning Administrator stated that she reviewed the property file and found that the property has a zoning permit and registration for a single family rental. There are no codes violations in the property file. She stated that the application meets all requirements under the terms of the zoning ordinance, except off-street parking. She stated that there is not another legal group home operating within 800 feet. She reminded Council about the difficulty in enforcing the number of residents living at a group home. However, the zoning permit can be revoked if an inspection discovers evidence that the number of residents exceeds the number allowed on the permit. She recommended approving the application.

14. The Zoning Administrator testified that she reviewed the property file that begins in the early 1970s. She stated that there have been commercial zoning permits for the first floor of this building since 1974. However, there is no evidence of rental zoning permits or rental registration in the Property Maintenance Division. She also stated that there are also no Trades or Building Permits showing when the rental units were added to the building.

15. The City Planner, stated that the Planning Commission reviewed the application at their July 26<sup>th</sup> meeting, where they voted to approve Resolution No. 65-2011 to deny the application. The recommendation to deny is based on the lack of off-street parking. He stated that the Board didn't know about the motor vehicle restriction and that knowledge may have changed the Planning Commission's opinion.

16. The Applicant agreed that he would comply with any conditions required to obtain the zoning permit for a group home.

## DISCUSSION

The Applicant is seeking a Conditional Use Permit to have a group home at 132 West Oley Street, which is located in an R3 zoning district. The City of Reading Zoning Ordinance §27-1203.9 Conversions provides that the following standards are met:

**9. Residential Care Facility, Including Group Care Facilities and Group Care Institutions.** See the zoning district regulations concerning which types are allowed in various districts.

A. The following standards shall be for all residential care facilities:

(1) A site plan and architectural plans, drawn to scale, shall be submitted. These plans shall show the location and dimensions of off-street parking, private entrances, walkways, landscaping, the dimensions and square footage of each room and storage space and shall indicate the intended use of each room.

(2) No residential care facility shall be located within 800 feet of another group care facility, group institution, school, day care home, or day care center.

(3) One off-street parking space shall be provided per employee computed on the basis of the estimated maximum number of employees at any one time, plus one space for each four patient/ client beds.

(4) The premises at which the residential care facility is located shall be owned or leased by the social service agency sponsoring the group care facility.

(5) The sponsoring entity shall document to the Zoning Administrator that all building, fire, plumbing, heating, electrical and similar systems meet the standards set by the City and by the Commonwealth of Pennsylvania.

(6) See also §27-1201(2).

B. The following standards are for all group care facilities:

(1) Group care facilities, by design and intent, shall provide for the temporary needs of transient residents.

(2) No group care facility shall have more than 10 residents at any given time, not including live-in supervisors.

(3) The only physical changes to the dwelling shall be those required by law. When the use is abandoned, any subsequent use shall conform to permitted uses in that zoning district.

(4) No more than two live-in supervisors shall reside in the group care facility.

(5) Although live-in supervision is not required, the sponsoring social service agency shall document to the Board that the agency shall provide the residents of the group care facility with the physical safety and the emotional support they require. Because residents of a group care facility are likely to be suffering from personal crises, some form of immediate contact with a counselor should be available at all hours. Likewise, immediate contact with sponsoring social service agency should be available to members of the public who may be in need of the services of the group care facility.

(6) The following standards are for all group care institutions.

(7) The group institution, by design and intent, shall provide for the long term needs of its residents and shall not accommodate the needs of transient individuals.

(8) A licensed physician, psychologist, counselor or social worker in the employ of or under contract to the social service agency shall be responsible for the assignment of residents to the group institution.

(9) At least one supervisor shall be on call during all hours during which any resident of the group institution is on the premises.

(10) The dwelling unit shall not be altered in any manner that would change the original dwelling unit character of the group institution.

## **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. The Subject Property is located in the R-3 Zoning District.
2. The Hearing was held on August 2, 2011.

3. The Applicant requests a Conditional Use for a group home at the Subject Property.
4. The burden of proof in an application for a Conditional Use is upon the Applicant.
5. The City of Reading City Council is permitted to grant Conditional Uses and other relief as set forth in the Zoning Ordinance of the City of Reading and Pennsylvania Municipalities Planning Code upon compliance with the requirements therefore set forth in the Zoning Ordinance.
6. In order to grant the relief, Applicant must show that it has satisfied §27-1203.9 of the City of Reading Zoning Ordinance and met the conditions applied by City Council.
7. At the hearing, Applicant provided proof that he satisfied some of conditions of §27-1203.9 of the City of Reading Zoning Ordinance.
8. The Applicant did not testify that the City's Building Official and Fire Marshal inspected the building and observed that the Subject Property meets the City's code requirements.
9. The Applicant did not file an application for other relief from the City of Reading Zoning Hearing Board.
10. The Applicant did provide sufficient proof that the existing facility conforms to the general character of other properties in the neighborhood and will not adversely affect the safety of the affected property owners.
11. The Applicant also failed to provide the required documents showing that the property's plumbing, heating and electrical equipment and facilities are adequate and appropriate for the proposed use.
12. The City's Planning Commission did not recommend that Council approve the request for group home.
13. The Zoning Administrator recommended the approval of this group home application.

## **DECISION**

After reviewing the Applicant's request in detail and the testimony from the hearing, City Council enters the following decision:

City Council approves the group home application for 132 West Oley Street, with conditions as follows:

1. After the City Building and Trades Office provides a certificate showing that the property is in compliance with all Building and Trades regulations.

However, the zoning permit for the group home at 132 West Oley Street shall be revoked upon the following:

1. The issuance of any Disruptive Conduct Report by the City of Reading, or
2. If the current or future property owner fails to comply with the City's Property Maintenance regulations, or
3. If the current or subsequent property owner fails to obtain a current housing permit or business license, or
4. If the current or subsequent property owner(s) allows more than three (3) residents to reside at this property at one time.
5. If at any time a group home resident brings a vehicle for personal use while he resides at this property, or
6. If the current or subsequent property owner fails to meet the conditions ordered within this decision.

If the zoning permit is revoked as herein provided, the property owner shall close the group home within one (1) month.

This is the decision of the City of Reading City Council by a vote of \_\_\_\_ to \_\_\_\_.

CITY OF READING CITY COUNCIL

---

President of Council

Attest:

---

City Clerk



**R E S O L U T I O N N O. \_\_\_\_\_**

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS  
FOLLOWS:

That Melvyn Jacobson is appointed to the Redistricting Committee  
representing District 6.

Adopted by Council \_\_\_\_\_, 2011

\_\_\_\_\_  
Vaughn D. Spencer  
President of Council

Attest:

\_\_\_\_\_  
Linda A. Kelleher  
City Clerk

**R E S O L U T I O N N O. \_\_\_\_\_**

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS  
FOLLOWS:

That Barbara D'Agostino is appointed to the Redistricting Committee  
representing District 4.

Adopted by Council \_\_\_\_\_, 2011

\_\_\_\_\_  
Vaughn D. Spencer  
President of Council

Attest:

\_\_\_\_\_  
Linda A. Kelleher  
City Clerk

**R E S O L U T I O N N O. \_\_\_\_\_**

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS  
FOLLOWS:

That Geraldine Westley is appointed to the Citizen's Advisory Board  
with a term ending December 31, 2013.

Adopted by Council \_\_\_\_\_, 2011

\_\_\_\_\_  
Vaughn D. Spencer  
President of Council

Attest:

\_\_\_\_\_  
Linda A. Kelleher  
City Clerk

**R E S O L U T I O N N O. \_\_\_\_\_**

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS  
FOLLOWS:

That Candice Mayton is appointed to the Citizen's Advisory Board  
with a term ending December 31, 2013.

Adopted by Council \_\_\_\_\_, 2011

\_\_\_\_\_  
Vaughn D. Spencer  
President of Council

Attest:

\_\_\_\_\_  
Linda A. Kelleher  
City Clerk

**R E S O L U T I O N N O. \_\_\_\_\_**

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS  
FOLLOWS:

That Pamela Ciaciosi is appointed to the Citizen's Advisory Board  
with a term ending December 31, 2012.

Adopted by Council \_\_\_\_\_, 2011

\_\_\_\_\_  
Vaughn D. Spencer  
President of Council

Attest:

\_\_\_\_\_  
Linda A. Kelleher  
City Clerk

**R E S O L U T I O N N O. \_\_\_\_\_**

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS  
FOLLOWS:

That Kevin Devera is reappointed to the Stadium Commission with a  
term ending August 18, 2016.

Adopted by Council \_\_\_\_\_, 2011

\_\_\_\_\_  
Vaughn D. Spencer  
President of Council

Attest:

\_\_\_\_\_  
Linda A. Kelleher  
City Clerk

**R E S O L U T I O N N O. \_\_\_\_\_**

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS  
FOLLOWS:

That Michael Fiucci is reappointed to the Berks County Convention  
Center Authority with a term ending August 29, 2015.

Adopted by Council \_\_\_\_\_, 2011

\_\_\_\_\_  
Vaughn D. Spencer  
President of Council

Attest:

\_\_\_\_\_  
Linda A. Kelleher  
City Clerk

**R E S O L U T I O N N O. \_\_\_\_\_**

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS  
FOLLOWS:

That Kelly Christman is appointed to the Shade Tree Commission  
with a term ending August 31, 2016.

Adopted by Council \_\_\_\_\_, 2011

\_\_\_\_\_  
Vaughn D. Spencer  
President of Council

Attest:

\_\_\_\_\_  
Linda A. Kelleher  
City Clerk